

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|   |   |                                 |
|---|---|---------------------------------|
| JOHN RICHARD BEACH, Individually and        | ) | Civil Action No. 3:08-cv-00569  |
| on Behalf of All Others Similarly Situated, | ) | <b>(Consolidated)</b>           |
|   | ) |                                 |
| Plaintiff,                                  | ) | <u>CLASS ACTION</u>             |
|   | ) |                                 |
| vs.   | ) | Judge Todd J. Campbell          |
|   | ) | Magistrate Judge Juliet Griffin |
| HEALTHWAYS INC., et al.,                    | ) |                                 |
|   | ) | NOTICE OF MOTION FOR CLASS      |
| Defendants.                                 | ) | CERTIFICATION                   |
|   | ) |                                 |
| <hr/>                                       | ) |                                 |

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Intervenor Plaintiff Central Laborers' Pension Fund hereby moves this Court for an order certifying the class and appointing it class representative in the above-entitled action. This motion is based upon this notice and the accompanying memorandum of law in support, the declaration of Dan Koeppel, and the previously filed memoranda and declarations filed in support of Lead Plaintiff's motion for class certification, including the declarations of Steven Feinstein, and such other evidence and argument as the Court may consider.

DATED: October 20, 2009

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this the 20th day of October, 2009, the foregoing NOTICE OF MOTION FOR CLASS CERTIFICATION was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 20, 2009.

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